
HOUSE BILL 1577

State of Washington 58th Legislature 2003 Regular Session

By Representatives Lovick, Delvin, Moeller, Blake and Simpson

Read first time 01/30/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to restricted drivers' licenses for alcohol
2 violators; amending RCW 46.20.380 and 46.20.394; and reenacting and
3 amending RCW 46.20.3101 and 46.20.391.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.20.3101 and 1998 c 213 s 2, 1998 c 209 s 2, and
6 1998 c 207 s 8 are each reenacted and amended to read as follows:

7 Pursuant to RCW 46.20.308, the department shall suspend, revoke, or
8 deny the arrested person's license, permit, or privilege to drive as
9 follows:

10 (1) In the case of a person who has refused a test or tests:

11 (a) For a first refusal within seven years, where there has not
12 been a previous incident within seven years that resulted in
13 administrative action under this section, revocation or denial for one
14 year;

15 (b) For a second or subsequent refusal within seven years, or for
16 a first refusal where there has been one or more previous incidents
17 within seven years that have resulted in administrative action under
18 this section, revocation or denial for two years or until the person
19 reaches age twenty-one, whichever is longer. A revocation imposed

1 under this subsection (1)(b) shall run consecutively to the period of
2 any suspension, revocation, or denial imposed pursuant to a criminal
3 conviction arising out of the same incident.

4 (2) In the case of an incident where a person has submitted to or
5 been administered a test or tests indicating that the alcohol
6 concentration of the person's breath or blood was 0.08 or more:

7 (a) For a first incident within seven years, where there has not
8 been a previous incident within seven years that resulted in
9 administrative action under this section, suspension for ninety days;

10 (b) For a second or subsequent incident within seven years,
11 revocation or denial for two years.

12 (3) In the case of an incident where a person under age twenty-one
13 has submitted to or been administered a test or tests indicating that
14 the alcohol concentration of the person's breath or blood was in
15 violation of RCW 46.61.502, 46.61.503, or 46.61.504:

16 (a) For a first incident within seven years, suspension or denial
17 for ninety days;

18 (b) For a second or subsequent incident within seven years,
19 revocation or denial for one year or until the person reaches age
20 twenty-one, whichever is longer.

21 (4) The person whose license or privilege has been suspended,
22 revoked, or denied may apply to the department for issuance of a
23 restricted driver's license under RCW 46.20.391 upon furnishing to the
24 department proof that an approved ignition interlock or other approved
25 biological or technical device has been installed on his or her
26 vehicle. The person shall maintain the approved device on his or her
27 vehicle and operate only that vehicle that is equipped with an approved
28 device throughout the term of the suspension, revocation, or denial.
29 A restricted license granted under this chapter extends through the
30 period of any suspension, revocation, or denial imposed under a
31 criminal conviction arising out of the same incident.

32 **Sec. 2.** RCW 46.20.380 and 1985 ex.s. c 1 s 6 are each amended to
33 read as follows:

34 No person may file an application for ~~((an occupational))~~ a
35 restricted driver's license as provided in RCW 46.20.391 unless he or
36 she first pays to the director or other person authorized to accept
37 applications and fees for driver's licenses a fee of twenty-five

1 dollars. The applicant shall receive upon payment an official receipt
2 for the payment of such fee. All such fees shall be forwarded to the
3 director who shall transmit such fees to the state treasurer in the
4 same manner as other driver's license fees.

5 **Sec. 3.** RCW 46.20.391 and 1999 c 274 s 4 and 1999 c 272 s 1 are
6 each reenacted and amended to read as follows:

7 (1) Any person licensed under this chapter who is convicted of an
8 offense relating to motor vehicles for which suspension or revocation
9 of the driver's license is mandatory, other than vehicular homicide or
10 vehicular assault, or who has had his or her license suspended under
11 RCW 46.20.3101 (2)(a) or (3)(a), may submit to the department an
12 application for ~~((an occupational))~~ a restricted driver's license. The
13 department, upon receipt of the prescribed fee and upon determining
14 that the petitioner is ~~((engaged in an occupation or trade that makes
15 it essential that the petitioner operate a motor vehicle))~~ eligible to
16 receive the license under subsection (3) of this section, may issue
17 ~~((an occupational))~~ a restricted driver's license and may set definite
18 restrictions as provided in RCW 46.20.394. No person may petition for,
19 and the department shall not issue, ~~((an occupational))~~ a restricted
20 driver's license that is effective during the first thirty days of any
21 suspension ~~((or revocation))~~ imposed ~~((either))~~ for a violation of RCW
22 46.61.502 or 46.61.504 or under RCW 46.20.3101 (2)(a) or (3)(a), or for
23 both a violation of RCW 46.61.502 or 46.61.504 and under RCW 46.20.3101
24 (2)(a) or (3)(a) where the action arises from the same incident unless
25 the petitioner furnishes proof to the department that he or she has
26 installed an approved ignition interlock or other approved biological
27 or technical device in his or her vehicle. The person shall maintain
28 the device in his or her vehicle and operate only that vehicle that is
29 equipped with an approved device throughout the term of the suspension,
30 revocation, or denial.

31 A person aggrieved by the decision of the department on the
32 application for ~~((an occupational))~~ a restricted driver's license may
33 request a hearing as provided by rule of the department.

34 (2)(a) A person licensed under this chapter whose driver's license
35 is suspended administratively due to failure to appear or pay a traffic
36 ticket under RCW 46.20.289; a violation of the financial responsibility
37 laws under chapter 46.29 RCW; or for multiple violations within a

1 specified period of time under RCW 46.20.291, may apply to the
2 department for an occupational driver's license if the applicant
3 demonstrates to the satisfaction of the department that one of the
4 following additional conditions are met:

5 (i) The applicant is in an apprenticeship program or an on-the-job
6 training program for which a driver's license is required;

7 (ii) The applicant presents evidence that he or she has applied for
8 a position in an apprenticeship or on-the-job training program and the
9 program has certified that a driver's license is required to begin the
10 program, provided that a license granted under this provision shall be
11 in effect no longer than fourteen days;

12 (iii) The applicant is in a program that assists persons who are
13 enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to
14 become gainfully employed and the program requires a driver's license;
15 or

16 (iv) The applicant is undergoing substance abuse treatment or is
17 participating in meetings of a twelve-step group such as alcoholics
18 anonymous.

19 (b) If the suspension is for failure to respond, pay, or comply
20 with a notice of traffic infraction or conviction, the applicant must
21 enter into a payment plan with the court.

22 (c) An occupational driver's license issued to an applicant
23 described in (a) of this subsection shall be valid for the period of
24 the suspension or revocation but not more than two years.

25 (d) Upon receipt of evidence that a holder of an occupational
26 driver's license granted under this subsection is no longer enrolled in
27 an apprenticeship or on-the-job training program, the director shall
28 give written notice by first class mail to the driver that the
29 occupational driver's license shall be canceled. The effective date of
30 cancellation shall be fifteen days from the date of mailing the notice.
31 If at any time before the cancellation goes into effect the driver
32 submits evidence of continued enrollment in the program, the
33 cancellation shall be stayed. If the cancellation becomes effective,
34 the driver may obtain, at no additional charge, a new occupational
35 driver's license upon submittal of evidence of enrollment in another
36 program that meets the criteria set forth in this subsection.

37 (e) The department shall not issue an occupational driver's license

1 under (a)(iv) of this subsection if the applicant is able to receive
2 transit services sufficient to allow for the applicant's participation
3 in the programs referenced under (a)(iv) of this subsection.

4 (3) An applicant for (~~(an occupational)~~) a restricted driver's
5 license is eligible to receive such license only if:

6 (a) Within one year immediately preceding the date of the offense
7 that gave rise to the present conviction, the applicant has not
8 committed any other offense relating to motor vehicles for which
9 suspension or revocation of a driver's license is mandatory; and

10 (b) Within seven years immediately preceding the date of the
11 offense that gave rise to the present conviction or incident, the
12 applicant has not committed (~~(any of the following offenses: (i)~~
13 ~~Driving or being in actual physical control of a motor vehicle while~~
14 ~~under the influence of intoxicating liquor; (ii))~~) (i) vehicular
15 homicide under RCW 46.61.520; or (~~((iii))~~) (ii) vehicular assault under
16 RCW 46.61.522; and

17 (c) The applicant meets at least one of the following qualifying
18 circumstances: (i) Is engaged in an occupation or trade that makes it
19 essential that he or she operate a motor vehicle, except as allowed
20 under subsection (2)(a) of this section; (ii) is undergoing continuing
21 health care or providing continuing health care to another who is
22 dependent upon the applicant; (iii) is enrolled in an educational
23 institution and pursuing a course of study leading to a diploma,
24 degree, or other certification of successful educational completion;
25 (iv) is undergoing substance abuse treatment; (v) is fulfilling court-
26 ordered community service responsibilities; (vi) is in an
27 apprenticeship or on-the-job training, or WorkFirst program; or (vii)
28 presents evidence that he or she has applied for a position in an
29 apprenticeship or on-the-job training program for which a driver's
30 license is required to begin the program, but a license granted under
31 this provision may be in effect for no longer than fourteen days; and

32 (d) The applicant files satisfactory proof of financial
33 responsibility under chapter 46.29 RCW.

34 (4) The director shall cancel an occupational or restricted
35 driver's license upon receipt of notice that the holder thereof has
36 been convicted of operating a motor vehicle in violation of its
37 restrictions, or of a separate offense that under chapter 46.20 RCW
38 would warrant suspension or revocation of a regular driver's license.

1 The cancellation is effective as of the date of the conviction, and
2 continues with the same force and effect as any suspension or
3 revocation under this title.

4 **Sec. 4.** RCW 46.20.394 and 1999 c 272 s 2 are each amended to read
5 as follows:

6 In issuing (~~(an occupational)~~) a restricted driver's license under
7 RCW 46.20.391, the department shall describe the type of (~~occupation~~
8 ~~permitted~~) qualifying circumstances and shall set forth in detail the
9 specific hours of the day during which the person may drive to and from
10 his (~~place of work~~) or her home, which may not exceed twelve hours in
11 any one day; the days of the week during which the license may be used;
12 and the general routes over which the person may travel. In issuing an
13 occupational driver's license under RCW 46.20.391(2)(a)(iv), the
14 department shall set forth in detail the specific hours during which
15 the person may drive to and from substance abuse treatment or meetings
16 of a twelve-step group such as alcoholics anonymous, the days of the
17 week during which the license may be used, and the general routes over
18 which the person may travel. These restrictions shall be prepared in
19 written form by the department, which document shall be carried in the
20 vehicle at all times and presented to a law enforcement officer under
21 the same terms as the occupational or restricted driver's license. Any
22 violation of the restrictions constitutes a violation of RCW 46.20.342
23 and subjects the person to all procedures and penalties therefor.

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